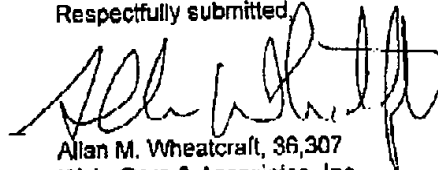


REMARKS

Claim 31 stands rejected under the judicially created Doctrine of Obviousness-Type Double Patenting as being unpatentable over claim 15 of U. S. Patent No. 6,613,203 B1 (the '203 patent). The Official Action states that "Although the '203 patent claim 14 and instant claim 31 do not use identical language, one of ordinary skill in the art would understand the "expanded PTFE" recited in the '203 patent is the "carrier material for the electrolyte" recited in instant claim 31, and "electrolytes" and "perfluorinated surface active substances" recited in instant claim 31 encompass the "ion exchange material" required by claim 1 of the '203 patent." Applicants respectfully traverse this obviousness assertion.

The definition of "expanded PTFE" in the '203 patent and the use of "ion exchange material" would not lead one skilled in the art to understand that "perfluorinated surface active substances" and separately "electrolytes" can be used. This gets to a significant distinction in that claim 14 of the '203 patent is directed to a membrane electrode assembly for fuel cell, whereas the present claim is directed to an electrochemical energy storage means (a battery). Reconsideration and withdrawal of the rejection are respectfully requested.

Respectfully submitted,



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